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SUBJECT: TAJIKISTAN: FEMALE STUDENT CHALLENGES BAN ON HIJAB IN UNPRECEDENTED CASE

REF: DUSHANBE 622

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¶1. SUMMARY: In an unprecedented case, a young female university student, Davlatmoh Ismailova, is suing the Tajik Institute of Languages and the Ministry of Education for expelling her for wearing a hijab to school. This is the first time a student has brought a case against a university and the Ministry of Education, and the first court case disputing the ban on hijabs (reftel). On May 31, the courageous young woman told PolOff her story and what motivated her to take on the Tajik government. END SUMMARY.

¶2. On May 2 the Sino District courthouse received Ismailova's case petitioning for the Institute of Languages and Ministry of Education to readmit her into the university with her hijab. However, the judicial system postponed the case and redirected it to the Shomansur District Court where the Ministry of Education is located. On May 16, the rescheduled court date, Ministry of Education representatives did not show up. Ismailova said that the next court hearing is scheduled for the week of June 4. (Note: If the Ministry of Education does not appear in court, the hearing will most likely be postponed again. End Note.) Ismailova initially obtained a lawyer recommended by the Islamic Renaissance Party, but is seeking a more experienced lawyer.

¶3. Davlatmoh Ismailova is a third year student at the Institute of Languages studying Arabic and English. She is also taking correspondence courses in economics at Tajik National University. In April, Ismailova along with five other female students of the Institute of Languages were not permitted to attend lectures because they were wearing hijabs, a violation of the Ministry of Education's unwritten ban on hijabs. The students sought assistance from Muhiddin Kabiri, Chairman of the Islamic Renaissance Party. Kabiri convinced the university rector to readmit the students. Less than three weeks after returning to school, administrators convinced five of the students to remove their hijabs, but Ismailova refused. School officials visited Ismailova's home on two occasions to speak to her parents about the issue.

¶4. Ismailova's parents support her stance against the ban on hijabs. Ironically, her mother explained to school officials that when she first got married, her husband requested she wear a traditional Tajik headscarf, similar to a hijab. At the time she replied, "I will not wear the headscarf, even if you shoot me." Now her daughter faces the opposite dilemma. She is convinced that even if somebody threatens to shoot Davlatmoh,

her daughter will not remove the hijab. Ismailova's parents are both retirees and she helps to support a family of nine siblings -- seven sisters, and two brothers. Ismailova's family is not religious and her parents at first discouraged her from wearing the hijab, debunking the government's argument that a ban is necessary to counter pressure from parents forcing girls to wear the hijab. Ismailova's decision is completely her own. Most of her sisters do not wear hijab, but she managed to persuade two of her sisters to follow the Islamic tradition.

¶5. In a meeting on May 31, when PolOff asked Ismailova what she plans for the future if she is not permitted to continue her studies, Ismailova became despondent and said that she would be forced to quit school and remain at home, or end up working in a local bazaar selling wares. She said she would take solace in the fact that she did not voluntarily leave and was not kicked out because of poor academic standing, but rather because she stood up for her convictions.

¶6. As a young girl, Ismailova wished to study at the Islamic University; however, her mother discouraged her, fearing that she would not be able to find gainful employment after graduation. Ismailova now fears that without a university degree she will have to take a factory job or work in the markets. She reported that factory supervisors also requested that women remove hijabs when working, so she will most likely have to work in the bazaars.

¶7. COMMENT: This particular case exemplifies how the ban on hijabs not only discriminates against devout Muslims, but further marginalizes women in general, forcing women to choose between religious tradition and access to education and employment. Ismailova is truly a brave individual. Tajiks rarely take a stand against the government or use the courts to fight injustice because most doubt they will find justice in the corrupt judicial system.

¶8. Although the Tajik constitution in principle protects religious freedom and religious expression, in practice, this

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has not always been the case. If the courts rule that the ban on hijabs is unconstitutional, it will represent an unprecedented decision against a government body and a big step forward for human rights and rule of law. Unfortunately, past court decisions point to a trend of upholding government policies. END COMMENT.
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